



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,913	03/01/2002	Thomas Matthews	378775.0005	7140

4372 7590 06/19/2006

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/084,913	Applicant(s) MATTHEWS ET AL.	
	Examiner Jude J. Jean-Gilles	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 03/13/2006.

Response to Amendment

1. This action is responsive to the application filed on 03/01/2002 with a Reply received on 03/13/2006. Claims 1-21, and 22-42 have been added. Thus, claims 22-42 are pending in this application and subject to this examination. Claims 22-42 represent a method and apparatus for an "Network Management."

Response to Arguments

2. The Office expresses its appreciation to the applicants and their representatives for taking the time to give a personal interview on March 10, 2006. During the interview the Applicants provided a demonstration to the Examiner of an embodiment of the present invention, and presented arguments that the present invention distinguishes over the cited art. The Examiner indicated that the claims should be amended to distinguish from the prior Art and that new search would be conducted to ensure proper examination of the application. No IDS has been presented with respect to this amendment.

Applicant's arguments with respect to claims 22-42 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below,

Art Unit: 2143

necessitated by Applicant substantial amendment (i.e., a method upon receiving notification of a network or system failure, obtaining secure access to a client network infrastructure from a remote device...) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 22-42** are rejected under 35 U.S.C. 102(e) as being anticipated by Mann et al (Mann), Patent No. 6,654,801 B2.

Regarding **claim 22**, Mann discloses a method for remote response and resolution of network and system failures, the method comprising:

upon receiving notification of a network or system failure, obtaining secure access to a client network infrastructure from a remote device (column 2, lines 50-67; column 8, lines 56-67);

transmitting a remote device message to the network management server, the message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components (column 6, lines 1-12; column 8, lines 3-27, 56-67); and
identifying and providing a resolution to the network or system failure (column 9, lines 5-35).

Regarding **claim 23**, Mann discloses the method of claim 22, wherein translating occurs via an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 24**, Mann discloses the method of claim 22, further comprising:
transmitting to the network management server the remote device message in a first format (column 5, lines 41-67; column 6, lines 1-12);
converting the remote device message to a second format compatible with a network management protocol (column 5, lines 41-67; column 6, lines 1-12); and
transmitting a message in the second format to at least one network component (column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 25**, Mann discloses the method of claim 22, wherein the remote device message is a network command (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 26**, Mann discloses the method of claim 22, wherein the remote device message is encrypted, the method further comprising:
decrypting the message (column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 27**, Mann discloses the method of claim 22, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (fig. 3, items 68-76).

Regarding **claim 28**, Mann discloses the method of claim 22, further comprising:
receiving registration information, the registration information including user information and remote device information, wherein the registration information is usable in authenticating the remote device prior to communicating with the remote device (column 9, lines 6-53).

Regarding **claim 29**, Mann discloses a method for remote response and resolution of network and system failures, the method comprising:
upon receiving notification of a network or system failure, obtaining secure access to a client network infrastructure from a remote device (column 2, lines 50-67; column 8, lines 56-67);
transmitting a remote device message to the network management server, the

Art Unit: 2143

message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components, wherein translating occurs via an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67); and

identifying and providing a resolution to the network or system failure (column 9, lines 5-35).

Regarding **claim 30**, Mann discloses the tool for remote response and resolution of network and system failures, the tool comprising;

means for obtaining secure access to a client network infrastructure from a remote device upon receiving notification of a network or tool failure(column 2, lines 50-67; column 8, lines 56-67);

means for transmitting a remote device message to the network management server, the message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

translating means for translating each instruction into a series of commands that are executable against multiple network components (column 6, lines 1-12; column 8, lines 3-27, 56-67);and

means for identifying and providing a resolution to the network or tool failure (column 9, lines 5-35).

Regarding **claim 31**, Mann discloses the tool of claim 30, wherein the translating means comprises an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 32**, Mann discloses the tool of claim 30, further comprising: first transmitting means for transmitting to the network management server the remote device message in a first format (column 5, lines 41-67; column 6, lines 1-12); means for converting the remote device message to a second format compatible with a network management protocol', and second transmitting means for transmitting a message in the second format to at least one network component (column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 33**, Mann discloses the tool of claim 30, wherein the remote device message is a network command (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 34**, Mann discloses the tool of claim 30, wherein the remote device message is encrypted, the tool further comprising: means for decrypting the message (column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 35**, Mann discloses the tool of claim 30, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (fig. 3, items 68-76).

Regarding **claim 36**, Mann discloses the tool of claim 30, further comprising: means for receiving registration information, the registration information including user information and remote device information, wherein the registration information is usable in authenticating the remote device prior to communicating with the remote device (column 9, lines 6-53).

Regarding **claim 37**, Mann discloses a computer program product comprising a computer usable medium having control logic stored therein for causing a computer to remotely respond to and resolve network and system failures, the control logic comprising:

first computer readable program code means for obtaining secure access to a client network infrastructure from a remote device upon receiving notification of a network or tool failure (column 2, lines 50-67; column 8, lines 56-67);

second computer readable program code means for transmitting a remote device message to the network management server, the message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

third computer readable program code means for translating each instruction into a series of commands that are executable against multiple network components (column 6, lines 1-12; column 8, lines 3-27, 56-67); and

fourth computer readable program code means for identifying and providing a resolution to the network or tool failure (column 9, lines 5-35).

Regarding **claim 38**, Mann discloses the computer program product of claim 37, wherein the third computer readable program code means comprises an updatable

Art Unit: 2143

mapping table that contains each instruction and the series of commands corresponding to the instruction (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 39**, Mann discloses the computer program product of claim 37, further comprising:

fifth computer readable program code means for transmitting to the network management server the remote device message in a first format (column 5, lines 41-67; column 6, lines 1-12);

sixth computer readable program code means for converting the remote device message to a second format compatible with a network management protocol (column 5, lines 41-67; column 6, lines 1-12); and

seventh computer readable program code means for transmitting a message in the second format to at least one network component (column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 40**, Mann discloses the computer program product of claim 37, wherein the remote device message is a network command (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 41**, Mann discloses the computer program product of claim 37, wherein the remote device message is encrypted, the computer program product further comprising:

fifth computer readable program code means for decrypting the message (column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and

Art Unit: 2143

decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 42**, Mann discloses the computer program product of claim 37, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (fig. 3, items 68-76).

Response to Arguments

5. Applicant's Request for Reconsideration filed on 03/13/2006 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. Applicant contends that regarding claims 22-42, the Applicants respectfully submit that these claims are allowable over the cited art.

B. Applicant contends that for all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

6. As to "Point A" it is the position of the Examiner that the news claims submitted would be allowable over the cited prior art in the previous rejection. However, in view of

Art Unit: 2143

Applicant's remarks, stating the new claims are allowable over the cited art new grounds of rejection as explained above necessitated by the amendment to the claims.

As to "Point B", it is also the Examiner's position that the application is not in condition for allowance and that the new reference of Mann teaches all the limitations of the claimed invention[see rejection of claims 22-42 above]

Examiner notes with delight that no new matter has been added and that the new claims are supported by the application as filed. However, applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the newly cited prior art. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 102(e) anticipation applied against the claims, the rejection is therefore sustained.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2143

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. .

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143



JEFFREY PWU
PRIMARY EXAMINER

JJG 

June 05, 2006